

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

Morris Tyson,

Plaintiff,

v.

Mars, Inc., Exel Logistics, and DHL Express,

Defendants.

Case No. 1:21-cv-03504

Judge Sharon J. Coleman

**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT
UNDER RULE 12(B)(6)**

Defendants Mars Wrigley Confectionery US, LLC ("Mars") and Exel Inc. d/b/a DHL Supply Chain ("Exel"),¹ by and through their attorneys and pursuant to Federal Rule of Civil Procedure 12(b)(6), respectfully move this Honorable Court to dismiss Plaintiff's Complaint with prejudice and state as follows:

1. On June 30, 2021, Plaintiff filed yet another lawsuit against Mars and Exel asserting four claims against the Defendants: (1) a race discrimination/retaliation claim under Title VII of the Civil Rights Act of 1964 (Title VII); (2) a disability discrimination/retaliation claim under the Americans with Disabilities Act of 1990 (ADA); (3) a Section 1985 conspiracy claim; and (4) a breach of contract claim.

2. All of the claims against Mars -- as well as the Section 1985 and breach of contract claims against Exel -- have been, or could have been fully and finally resolved by the Court's final judgment. As a result, these claims are barred by the doctrine of res judicata.

¹ The parties have filed a joint stipulation to correct the case caption with the appropriate entity names -- Mars Wrigley Confectionery US, LLC and Exel Inc. d/b/a DHL Supply Chain.

3. In addition, Plaintiff filed his surviving claims against Exel for disability discrimination, race discrimination, and retaliation beyond the 90-day filing deadline. Therefore, these claims are time-barred.

4. The reasons supporting Defendants' Motion to Dismiss are set forth fully in the accompanying Memorandum in Support.

WHEREFORE, Defendants respectfully request that this Court grant their motion to dismiss Plaintiff's Complaint in its entirety and with prejudice.

DATED: November 15, 2021

Respectfully submitted,

SEYFARTH SHAW LLP

By: /s/ Ryan L. Young
One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on November 15, 2021, he caused a copy of the foregoing **DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT UNDER RULE 12(b)(6)** to be served on the following Pro Se Plaintiff of record via the Court's ECF system:

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/s/ Ryan L. Young
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